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GOVERNMENT OF INDIA

CONSTITUENT ASSEMBLY OF INDIA

NOTIFICATION

New Delhi, the 26th November 1948.

No. OA/13/Cons/48.—The following amendments made by the Constituent Assembly of India in the Constituent Assembly Rules are published for general information. The amendments to Rules 5-A, 5-B, 51 and the Schedule shall have effect from 2nd August 1948 and the amendment to the Annexure to the Schedule from 3rd August 1948.

AMENDMENTS

(1) For rules 5-A and 5-B of the said rules the following rule shall be substituted:—

"5-A. When a vacancy occurs by reason of death, resignation or otherwise in the office of a member of the Assembly representing an Indian State or more than one Indian States specified in column 1 of the Annexure to the Schedule to these rules, the President shall notify the vacancy and make a request in writing to the authority specified in the corresponding entry in column 2 of that Annexure to proceed to fill the vacancy as soon as may reasonably be practicable by election or by nomination, as the case may be, in the case of the States specified in Part I of the said Annexure, and by election in the case of the States specified in Part II of that Annexure:

Provided that in the case of the States specified in Part I of the said Annexure, where the seat was filled previously by nomination, the vacancy may be filled by election:

Provided further that in making a request to fill a vacancy by election under this rule the President may also request that the election be completed within such time as may be specified by him."

(2) The existing rule 38-P of the said rules shall be renumbered as sub-rule (1) of rule 38-P and to the said rule as so renumbered the following sub-rules shall be added:—

"(2) The President shall have the power to disallow amendments which seek to make merely verbal, grammatical or formal changes.

(3) The President shall also have the power to select for consideration and voting by the House the more appropriate or comprehensive amendment or amendments out of the amendments of similar import and any such amendment not so selected may, unless withdrawn, be deemed to have been moved and may be put to the vote without discussion."

(1901)

(3) After rule 38-U of the said rules the following rules shall be inserted:—

‘38-V. Authentication of Bill by the President and publication thereof as Act.—When a Bill referred to in rule 38-A is passed by the Assembly, the President shall authenticate the same by affixing his signature thereto. When the Bill has been so authenticated it shall become an Act and shall be published in the Gazette of India.’

‘38-W. Definition.—In this Chapter (excepting in rules 38-U and 38-V thereof), the expression ‘President’ includes any person for the time being presiding over the Assembly.”

(4) For clause (b) of rule 51 of the said rules the following clause shall be substituted:—

“(b) ‘Returned candidate’ means a candidate whose name has been published in the appropriate Official Gazette as a duly elected member of the Assembly and includes a candidate whose name has been reported to the President in the manner provided in paragraph 5 of the Schedule to these rules as a duly chosen representative of any Indian State or States specified in column 1 of the Annexure to that Schedule.”

(5) For paragraphs 3, 4, 5 and 6 of the Schedule to the said rules the following paragraphs shall be substituted:—

“3. (1) When the representation allotted in the Assembly to the States, individual or grouped, or the grouping of the States for the purpose of such representation is altered by an order made under paragraph 2, or by an amendment of the Annexure to this Schedule, the President may, by order—

(a) re-assign members representing a State or States to such State or States as may be specified in the order;

(b) declare the seat or seats of any member or members of the Assembly representing any State or States affected by an order under paragraph 2 or an amendment of the Annexure to this Schedule, as the case may be, to be vacant.

(2) Any member who has been re-assigned to a State or States by an order made under clause (a) of sub-paragraph (1) and whose seat has not been declared vacant under clause (b) of that sub-paragraph shall as from the date of the order be deemed to be a duly chosen representative of such State or States.

(3) A member whose seat has been declared vacant by an order made under clause (b) of sub-paragraph (1) shall, if it is so specified in the order, continue to hold office as member of the Assembly until his successor has been duly elected and has taken his seat in the Assembly.

4. (1) Not less than fifty per cent of the total representatives of the States specified in column 1 of Part I of the Annexure to this Schedule in the Assembly shall be elected by the elected members of the legislatures of the States concerned, or where such legislatures do not exist, by the members of electoral colleges constituted in accordance with the provisions made in this behalf by the authorities specified in the corresponding entries in column 3 of that Part.

(2) All vacancies in the seats in the Assembly allotted to the States specified in column 1 of Part II of the Annexure to this Schedule shall be filled by election and the representatives of such States to be chosen to fill such seats shall be elected by the elected members of the legislatures of the States concerned, or where such legislatures do not exist, by the members of electoral colleges constituted in accordance with the provisions made in this behalf by the authorities specified in the corresponding entries in column 3 of that Part.

5. On the completion of the election or nomination, as the case may be, of the representative or representatives of any State or States specified in column 1 of the Annexure to this Schedule in the Constituent Assembly, the authority mentioned in the corresponding entry in column 3 of that Annexure shall make a notification under his signature and the seal of his office stating the name or names of the person or persons so elected or nominated and cause it to be communicated to the President of the Assembly."

(6) For the Annexure to the Schedule to the said rules the following Annexure shall be substituted:—

"ANNEXURE

PART I

Name of State or States	Number of seats allotted in the Cons- tituent Assem- bly	Authority for the purpose of the choosing of representatives in the Constituent Assembly
1	2	3
HYDERABAD.	10	Ruler of Hyderabad.
MYSORE	7	Ruler of Mysore.
KASHMIR	4	Ruler of Kashmir.
BARODA	3	Ruler of Baroda.
TRAVANCORE	6	Ruler of Travancore.
COCHIN	1	Ruler of Cochin.
JODHPUR	2	Ruler of Jodhpur.
JAIPUR	3	Ruler of Jaipur.
BIKANER	1	Ruler of Bikaner.
BHOPAL	1	Ruler of Bhopal.
KOLHAPUR	1	Ruler of Kolhapur.
MAYURBHANJ	1	Ruler of Mayurbhanj.
SIKKIM AND COOCH BEHAR	1	Ruler of Cooch Behar.
TRIPURA		
MANIPUR	1	Ruler of Tripura.
KHASI STATES		
RAMPUR	1	Ruler of Rampur.
BENARES		

49

PART II

ORISSA STATES :

Athgarh
Athmalik
Bamra
Baramba
Baudh
Bonai
Dasapalla
Dhenkanal
Gangpur
Hindol
Kalahandi
(23) Keonjhar
Khandpara
Narsinghpur
Nayagarh
Nilgiri
Pal Lahara
Patna
Rairakhol
Ranpur
Sonepur
Talcher
Tigiria

Governor of Orissa.

1

2

3

CENTRAL PROVINCES AND BERAR STATES :

(15)	Bastar	}	3 Governor of the Central Provinces and Berar.
	Changbhakar		
	Ohhuikadan		
	Jashpur		
	Kanker		
	Kawardha		
	Khairagarh		
	Korea		
	Nandgaon		
	Raigarh		
	Sakti		
	Sarangarh		
	Surguja		
	Udaipur		
	Makrai		

MADRAS STATES :

Banganappalle	}	1 Governor of Madras.
Pudukkottai		

BOMBAY STATES :

(35)	Rajpipla	}	4 Governor of Bombay.
	Palanpur		
	Cambay		
	Dharanpur		
	Balasinoor		
	Baria		
	Ohhota Udepur		
	Sant		
	Lunawada		
	Bansda		
	Sachin		
	Jawhar		
	Danta		
	Janjira		
	Sangli		
	Savantvadi		
	Mudhol		
	Bhor		
	Jamkhandi		
	Miraj (Sr.)		
	Miraj (Jr.)		
	Kurundwad (Sr.)		
	Kurundwad (Jr.)		
	Akalkot		
	Phaltan		
	Jath		
	Aundh		
	Ramdrug		
	Idar		
	Radhanpur		
	Sirohi		
	Savanur		
	Wadi		
	Vijayanagar		
	Jambughoda		
	271 minor states, (thanas, etc.)		

1	2	3
HIMACHAL PRADESH:		
Bashahr	1	Chief Commissioner of Himachal Pradesh.
Sirmur		
Chamba		
Mandi		
Suket		
Baghal		
Baghat		
Balsan		
Bhajji		
(21) Bija		
Darkoti		
Dhami		
Jubbal		
Keonthal		
Kumharsain		
Kunihar		
Kuthar		
Mahlog		
Mangal		
Sangri		
Tharoach		
UNITED STATE OF KATHIAWAR (SAURASHTRA)		
	4	Rajpramukh of the State.
UNITED STATE OF MATSYA		
	2	Rajpramukh of the State.
UNITED STATE OF RAJASTHAN.		
	4	Rajpramukh of the State.
UNITED STATE OF VINDHYA PRADESH		
	4	Rajpramukh of the State.
UNITED STATE OF GWALIOR-INDORE-MALWA (MADHYA BHARAT)		
	7	Rajpramukh of the State.
PATIALA AND EAST PUNJAB STATES UNION		
	3	Rajpramukh of the Union.
CUTCH		
	1	Chief Commissioner of Cutch.
JUNAGADH.		
	1	Administrator of Junagadh.
RESIDUARY STATES:		
Jaisalmer	1	Such authority as may be appointed by the Government of India.
Sandur		
Tehri-Garhwal		
Bilaspur		
BIHAR STATES:		
Seraikela	1	Such authority as may be appointed by the Government of India.
Kharsavan		
EAST PUNJAB STATES:		
Loharu	1	Such authority as may be appointed by the Government of India.
Pataudi		
Dujana		
Total	40	
Grand total of Parts I and II .	89	"

By Order,
S. N. MUKERJEE, Joint Secy.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

NOTIFICATION

New Delhi, the 4th December, 1948

No. F. 85-II/48-A.—The Honourable the President of the Constituent Assembly of India, in exercise of the power conferred by sub-section (2) (a) of section 19 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Orders, 1947, is pleased to direct that a session of the Constituent Assembly for discharging its functions as the Dominion Legislature under the Government of India Act, 1935, shall commence at New Delhi on Tuesday, the 1st February, 1949 at 10.45 A.M.

M. N. KAUL, Secy.